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State Superintendent of Schools

BILL: Senate Bill 362 DATE: February 16, 2022

SUBJECT: Primary and Secondary **COMMITTEE:** Education, Health, and

Education - Virtual Schools - Environmental Affairs

Revisions

POSITION: Support with Amendments

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EXPLANATION:

The Maryland State Department of Education (MSDE) supports with amendments **Senate Bill 362** – **Primary and Secondary Education - Virtual Schools - Revisions,** which would alter the requirements for establishing and maintaining virtual schools. The Department has appreciated the opportunity to collaborate with stakeholders and the sponsor of this bill over the past year to carefully deliberate and consider the issue of educating students in a virtual environment.

The available data from the most recent two school years where the vast majority of students were learning virtually for significant portions of the year strongly suggests that most students do not thrive academically or socially in a virtual learning environment. However, both prior to and during the pandemic, a limited number of students have found success learning virtually. Additionally, virtual learning opportunities can be a useful tool in assisting to spur innovative ways of teaching and learning through the use of time and efficient course progression and completion at the secondary level. This will aid in the overall implementation of the college and career readiness priority within the Blueprint for Maryland's Future.

There are a number of conditions and safeguards that are critical to the success of students who participate in a virtual setting¹. These include, but are not limited to: carefully tracking student data and providing supports if early signs show a student is not thriving in a virtual program - and pulling that student back into an in-person environment quickly if those supports do not work; a research-based minimum number of hours of synchronous instruction; ensuring that wrap around supports are available to students in virtual programs, including, for example, access to school meal programs, school counselors, mental and physical health services; and ensuring that extracurricular activities - including athletics - are available for virtual students.

 $^{^{1}\} https://www.marylandpublicschools.org/stateboard/Documents/2022/0125/LEAV irtual Programs Update January 2022 Updated.pdf$

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It is also helpful to employ a meaningful process for selecting students who are likely to succeed with virtual learning. Finally, virtual schools must - like all public schools - be held accountable for student outcomes; in order to meaningfully include virtual schools in the State's accountability system, virtual schools should be developed and implemented by grade band.

With those concepts in mind and with support for the narrowly tailored goals identified in this bill, MSDE requests that the committee consider the following suggested amendments:

- 1. Add language enabling MSDE to establish requirements regarding the amount of necessary synchronous instruction for students enrolled in virtual school;
- 2. Add clarification that the school will be treated as its own school with its own school accountability code for purposes of reporting and monitoring in the accountability system;
- 3. Add language allowing MSDE to revoke a local school system's ability to operate a virtual school if in the previous school year the school falls within the bottom 10% in terms of performance under the state accountability system.
- 4. On page 3, lines 2-4, add language that allows districts to, by showing just cause to the Department, establish one virtual school per grade band (elementary, middle, high) as opposed to one school total regardless of grade band;
- 5. On page 3, lines 18-20, add "with the approval of the Department, local school systems may allow a local school system to exceed the 10% cap by demonstrating just cause."
- 6. On page 4, remove lines 23-24, as it could create unnecessary confusion with the definition of a virtual school on page 2 which references a majority of instruction provided to students via the Internet in a virtual or remote setting;
- 7. On page 4, lines 16-17, add "regardless of existing regulations, participation in organized athletics and on athletic teams at the student's (non-virtual) zoned public school" following the "extracurricular" line.

MSDE will continue to vigorously monitor ongoing virtual programs throughout the State to ensure the success of students, and based on developing best practices and metrics make recommendations regarding the effectiveness of virtual programs.

We respectfully request that you consider this information as you deliberate **Senate Bill 362.** Please contact Ary Amerikaner, at 410-767-0090, or ary.amerikaner@maryland.gov, for any additional information.